

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Crl.MC.No. 4375 of 2001()

C.C.NO.369/2000 OF ADDL.CHIEF JUDICIAL MAGISTRATE, THIRUVANANTHAPURAM

PETITIONER:

1. SANDHYA S.PILLAI,
ANANDHABHAVAN,
AYIROOR P.O.
2. SAJEESH ANAND,
ANANDHABHAVAN, AYIROOR P.O.
3. SAJEEV ANAND,
ANANDHABHAVAN, AYIROOR P.O.

BY ADV. SRI.M.BALAGOVINDAN
SRI.VINOD J.DEV

RESPONDENTS:

1. STATE REPRESENTED BY THE DIRECTOR
OF PROSECUTION, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI -31
2. G.RAJENDRAN, THIRUVATHIRA, ANAYARA,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.
3. M.VIJAYAN PILLAI, SREEKALA MANDIRAM,
VENKULAM, EDAVA - 695 311.
4. M.SADANANDAN PILLAI, SREEKALA MANDIRAM,
VENKULAM, EDAVA.
5. B.SARASWATHY AMMA,
ANANDA BHAVAN, AYROOR P.O., (VIA) VARKALA.
6. S.VASUDEVAN PILLAI,
VASUDEVA NEST, AYROOR P.O.

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7. R.SANTHAMMA,
VASUDEVA NEST, AYROOR P.O.
8. B.SANAL KUMAR,
PLAVILA VEEDU,
AYROOR P.O.
9. G.MANI KANTON PILLAI,
ARAYANATHA THODY, AYROOR P.O.
- 10 M.LAL,
VALIYAVILA VEEDU,
AYROOR P.O.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON CRL.M.P.NOS.3585/2001 & 6070/2002 IN CRL.M.C.NO.4375/2001

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

01/11/2007

\\TRUE COPY\\

K.R.UDAYABHANU, J.

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Crl.M.C.No.4375 of 2001-B
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Dated this the 1st day of November, 2007

O R D E R

The petitioners are accused Nos.4, 5 and 6 in C.C.No.369/2000 in the file of the Additional Chief Judicial Magistrate, Thiruvananthapuram, with respect to the offences under Sections 420 and 409 read with Section 34 of the Indian Penal Code.

2. The prosecution case is that the accused obtained deposit of Rs.50,000/- from the second respondent/complainant and did not repay the same and the said action of the partners of the firm consisting of the petitioners herein amounted to the offences alleged.

3. It is the contention of the counsel for the petitioners that it is evident from the partnership deed that at the time when partnership was constituted they were just aged 13, 10 and 7 respectively and that they had been only admitted to the partnership and they were just dormant partners.

4. At the time of hearing the counsel for the petitioners submitted that the matter may be disposed of with liberty to the petitioners to file an application for discharge before the court below wherein they

can raise all the contentions apart from the contentions raised herein. In the circumstances the Crl.M.C is disposed of with liberty to the petitioners to file application for discharge before the court below and the court below shall dispose of the matter on merits.

**K.R.UDAYABHANU,
Judge**

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